

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA)	CASE NO. 1:11 CR 00070
)	
Plaintiff)	JUDGE DAVID D. DOWD, JR.
)	
-vs-)	
)	
MATTHEW J. HOLLAND)	<u>MOTION FOR A BILL</u>
)	<u>OF PARTICULARS</u>
Defendant)	

Now comes the defendant, by and through Counsel, and moves this Honorable Court pursuant to Rule 7 of the Federal Rules of Criminal Procedure, to order the Prosecuting Attorney to furnish a Bill of Particulars as it applies to the Indictment. Said Bill of Particulars to contain the following information:

1. The time the alleged offense was committed.
2. The place where the alleged offense was committed.
3. The specific conduct alleged which constitutes the offense as charged in the indictment.

Respectfully submitted,

s/John P. Hildebrand, Sr.
JOHN P. HILDEBRAND, SR. (0025124)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies a copy of the foregoing Motion for a Bill of Particulars has been filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

s/John P. Hildebrand, Sr.
JOHN P. HILDEBRAND, SR. (0025124)
Attorney for Defendant
JOHN P. HILDEBRAND CO., LPA

BRIEF IN SUPPORT

The defendant, by and through Counsel, states that the indictment does not adequately state the time or place of the offense, and further, that the indictment is indefinite as to the content and conclusions; therefore, defendant is unable from a reading of said indictment to reasonably know the time, place and nature and cause of the charge against him.

The matters and particulars herein above requested are essential to enable the defendant to be adequately appraised of the nature and scope of the accusations against him (as guaranteed by the Sixth Amendment to the Constitution), to have an opportunity to adequately prepare his defense, to avoid prejudicial surprise at trial, to clarify the issues herein and avoid any confusion and delay at trial, and to enable him to be protected against a second prosecution for the same offense and plead double jeopardy thereto as guaranteed by the Fifth Amendment to the Constitution.

The defendant further respectfully moves that this Honorable Court direct that as to any items in this Motion concerning which the Government shall state in its Bill of Particulars that its knowledge or information is incomplete, the Government shall set forth in its Bill of Particulars whatever knowledge and information it may have and shall furnish further particulars upon obtaining further knowledge or information prior to trial, and that the defendant shall have such further and other relief as this Honorable Court may deem just and proper.

s/John P. Hildebrand, Sr.
JOHN P. HILDEBRAND, SR. (0025124)
Attorney for Defendant
JOHN P. HILDEBRAND CO., LPA